

MAR 08 2010

REMARKS/ARGUMENTS

Applicant respectfully requests reconsideration and allowance of the application in view of the amendment made above and the remarks to follow are respectfully requested.

In response to the rejection of claims 1-10 under 35 U.S.C. §102(e) allegedly for being anticipated by U.S. Patent No. 6,529,458 to Shin ("Shin"), this rejection is respectfully traversed. It is respectfully submitted that claims 1-10 are allowable over Shin for at least the following reasons.

More specifically Shin does not disclose the combination of "recording the data structures on the write-once storage medium at a predefined temporary location" and "recording the data structures on the write-once storage medium at a predefined fixed location ... wherein the predefined fixed location is a different location on the write-once storage medium than the predefined temporary location, and wherein the space bit map indicates written and free areas, the defect management structures indicating the locations of rewritten data for respective track defects" as recited in claim 1.

In step 910, in figure 9 of Shin, writing the ICB in the UDF file system does not disclose writing either space bit map indicating written and free areas, or defect management structures indicating the locations of rewritten data for respective track defects. The ICB information does not comprise the data structures defined in claims 1, 4, 7, or 8.

Independent claims 1, 4, 7 and 8 are patentable over Shin for at least the same reasons that independent claim 1 is patentable over Shin. Also, claims 2-3 and 5-6 respectively depend from one of claims 1 and 4 and accordingly are allowable for at least this reason as well as for the separately patentable elements contained in each of the claims.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the

foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Applicant may be reached by telephone at the number given below.

The Commissioner is hereby authorized to credit any overpayment or charge any fee (except the issue fee) including fees for any required extension of time, to Account No. 14-1270.

Respectfully submitted,

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